

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

MARY LYNN SHUMATE,
Plaintiff

v.

CIVIL ACTION NO. 6:23-CV-32

CITY OF LYNCHBURG, et al.
Defendants

DEFENDANTS' MOTION TO DISMISS

The defendants, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, move for dismissal of the Complaint for failure to state a claim upon which relief can be granted.

WHEREFORE, for the reasons set forth in the accompanying Memorandum in Support of Motion, the defendants request the Court to dismiss the Complaint and award them their costs.

**CITY OF LYNCHBURG
GREGORY WORMSER
WYNTER BENDA**

/s/ John E. Falcone
Counsel

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counsel for defendants

CERTIFICATE

I hereby certify that on this 29th day of June, 2023 I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, which will serve all other counsel via e-mail.

/s/ John E. Falcone
Counsel for Defendants

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